

### **REMARKS/ARGUMENTS**

Reconsideration and continued examination of the above-identified application are respectfully requested.

No amendments have been made to the claims. The claim status identifiers have been updated.

**Rejection of claims 1-6, 9-26, 29, and 30 under 35 U.S.C. §103(a) – Mancini et al. in view of Mitra et al., as evident in Goto et al. and Williamson, and further in view of Rohm and Haas**

At pages 3-8 of the Office Action, the Examiner rejects claims 1-6, 9-26, 29, and 30 under 35 U.S.C. §103(a) as being unpatentable over Mancini et al. (U.S. Patent No. 4,056,496) in view of Mitra et al. (U.S. Patent No. 5,212,015) as evident in Goto et al. (U.S. Patent No. 3,845,164) and Williamson et al. (U.S. Patent No. 6,239,298), and further in view of a Rohm and Haas product data sheet on an Amberjet product. The Examiner essentially adopts the same position as in the previous Office Action, but now further relies on the Rohm and Haas product data sheet. The Examiner asserts that the Rohm and Haas product sheet teaches that when an immobilized acid is used, "it would also be good to use Amberjet 4400 OH to neutralize the medium." The Examiner further asserts that Mancini et al. shows the desire to reduce acidity by washing with water. This rejection is respectfully traversed.

To avoid repeating the same arguments, the applicants believe that the invention is patentably different from this combination of references, including the addition of the Rohm and Haas article, for the reasons previously set forth and which are of record. These arguments are incorporated by reference herein. The applicants provide the following additional comments, which are relevant to the Examiner's comments made in the most recent Office Action.

The claims of the present application relate to a process for the preparation of a polymerizable composition that is useful, for instance, in the manufacturing of contact lenses. For instance, claim 18 recites the step of forming the polymer into an ocular device. As recited in claim 1, it is important to note that once the compound of Formula (II) is contacted with an immobilized acid to form the composition comprising the monomer of Formula (I), the composition of step (I) is neutralized with an immobilized hydroxide. Further, claim 29, for instance, which is dependent on claim 3, recites that prior to neutralizing, the immobilized acid is removed by filtration.

With respect to the rejection in view of the five cited references, the applicants first note that Mancini et al., the primary reference, specifically relates to monomers and hydrogels for contact lenses, which would be a pharmaceutical or medical use. This use is not mentioned or suggested in Mitra et al. More importantly, the Examiner's reliance on the Rohm and Haas article relates to industrial uses and particularly for mixed bed applications "commonly encountered in power plant, high flow rate condensate polishing." Further, at page 2 of the Rohm and Haas article, there is a section entitled, "LIMITS OF USE." In this Rohm and Haas article, it explicitly states that Amberjet 1500 H is suitable for industrial uses, but for other uses, such as pharmaceutical, food processing, or potable water applications, Amberjet 1500 H is not recommended and actually states that one should contact Rohm and Haas for recommendations. Thus, the Rohm and Haas article clearly teaches away from using the Amberjet 1500 H product for non-industrial uses. Clearly, one skilled in the art reading Mancini et al. in forming contact lenses (a pharmaceutical-type use) would in no way be encouraged or motivated to use the Amberjet 1500 H in any such product. In fact, the Amberjet 1500 H brochure warns against doing the particular medical/pharmaceutical uses proposed by the Examiner.

Moreover, the applicants specifically traverse the Examiner's argument that the Rohm and Haas brochure teaches the use of any immobilized acid and the neutralization of any medium. The Rohm and Haas brochure is quite specific. The Rohm and Haas brochure only and strictly mentions Amberjet 1500 and not any immobilized acid, and further only Amberjet 4400 OH is mentioned, and it is not mentioned to neutralize any "medium." The Rohm and Haas brochure specifically states that the Amberjet 4400 OH is to be used in mixed bed applications with Amberjet 1500 for industrial uses. No neutralization is mentioned. Further, a mixed bed application needs to be understood with regard to this rejection. A mixed bed application means that the Amberjet 1500 H is present with the Amberjet 4400 OH in the same bed for purposes of a reverse-flow operation. This type of use, namely a mixed-bed application, is clearly not the type of process occurring in Mancini et al. and, specifically, in Example 1, which is the part referred to by the Examiner. In fact, Example 1 of Mancini et al. does not describe any use of a bed of immobilized acid and certainly does not teach or suggest the combination of an immobilized acid and immobilized hydroxide. This type of use simply would not make "common sense" in Example 1 of Mancini et al., especially considering the guidance provided in the Supreme Court decision of *KSR International Co.*

This is even more relevant with respect to a claim, like claim 29, wherein claim 29 specifically recites that prior to neutralizing, the immobilized acid is removed by filtration. This would be the complete opposite of a mixed-bed operation as specifically described for the use of Amberjet 1500 H in combination with Amberjet 4400 OH. In addition, as mentioned above, claim 1, for instance, states that the composition of step i) is neutralized with the immobilized hydroxide to provide the composition comprising the monomer of Formula (I) and a cross-linker. Thus, the immobilized hydroxide neutralizes the composition and this is clearly not mentioned

or suggested in any of the references cited by the Examiner, including the Rohm and Haas article.

The Rohm and Haas article merely states using specifically Amberjet 4400 OH with Amberjet 1500 H for mixed-bed applications and there is no suggestion to use an immobilized acid on a polymer product itself, after forming the product. The Examiner's reasoning would appear to be based on hindsight alone, especially since the Rohm and Haas article simply would not be combinable with the particular processes and uses of the primary and secondary references as mentioned above.

Finally, the applicants specifically traverse the Examiner's characterization of what the water is used for in Example 1 of Mancini et al. It is clear that the washing with water is simply used to remove any residual "solution" from the precipitate (barium sulfate). Example 1 explicitly states that the filtrate and "washings" are combined to give the solution which is then isolated. There is no teaching that the washings with water are used to neutralize and it is clear that the use of water is simply to obtain any "solution" on the precipitate.

Accordingly, for these reasons, the rejection should be withdrawn.

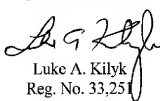
## **CONCLUSION**

In view of the foregoing remarks, Applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

U.S. Patent Application No. 09/977,880  
Amendment dated November 17, 2008  
Reply to Office Action of September 18, 2008

Respectfully submitted,



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